



DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA-2022-0002-N-17]

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of information collection; request for comment.

SUMMARY: Under the Paperwork Reduction Act of 1995 (PRA) and its implementing regulations, FRA will seek approval of the Information Collection Request (ICR) abstracted below. Before submitting this ICR to the Office of Management and Budget (OMB) for approval, FRA is soliciting public comment on specific aspects of the activities identified in the ICR.

DATES: Interested persons are invited to submit comments on or before **[INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

ADDRESSES: Written comments and recommendations for the proposed ICR should be submitted on [regulations.gov](https://www.regulations.gov) to the docket, Docket No. FRA-2022-0002-N-14. All comments received will be posted without change to the docket, including any personal information provided. Please refer to the assigned OMB control number in any correspondence submitted. FRA will summarize comments received in response to this notice in a subsequent notice and include them in its information collection submission to OMB for approval.

FURTHER INFORMATION CONTACT: Ms. Hodan Wells, Information Collection Clearance Officer, at email: Hodan.Wells@dot.gov or telephone: (202) 868-9412, or Ms.

Senya Waas, Attorney Adviser, at email: *Senyaann.Waas@dot.gov* or telephone: (202) 875-4158.

SUPPLEMENTARY INFORMATION: The PRA, 44 U.S.C. 3501–3520, and its implementing regulations, 5 CFR part 1320, require Federal agencies to provide 60-days’ notice to the public to allow comment on information collection activities before seeking OMB approval of the activities. *See* 44 U.S.C. 3506, 3507; 5 CFR 1320.8–1320.12. Specifically, FRA invites interested parties to comment on the following ICR regarding: (1) whether the information collection activities are necessary for FRA to properly execute its functions, including whether the activities will have practical utility; (2) the accuracy of FRA’s estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (3) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (4) ways for FRA to minimize the burden of information collection activities on the public, including the use of automated collection techniques or other forms of information technology. *See* 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1).

FRA believes that soliciting public comment may reduce the administrative and paperwork burdens associated with the collection of information that Federal statutes and regulations mandate. In summary, FRA reasons that comments received will advance three objectives: (1) reduce reporting burdens; (2) organize information collection requirements in a “user-friendly” format to improve the use of such information; and (3) accurately assess the resources expended to retrieve and produce information requested. *See* 44 U.S.C. 3501.

The summary below describes the ICR that FRA will submit for OMB clearance as the PRA requires:

Title: Positive Train Control (PTC) and Other Signal Systems.

OMB Control Number: 2130-0553.

Abstract: FRA's regulations require that both railroads and PTC vendors and suppliers notify FRA of certain PTC system errors and malfunctions. 49 CFR 236.1023. For example, railroads must maintain a database of all safety-relevant hazards identified in their PTC Safety Plans (PTCSP) and those that had not previously been identified in their PTCSPs. 49 CFR 236.1023(e). If the frequency of a safety-relevant hazard exceeds the thresholds in a railroad's PTCSP, or such hazard has not been previously identified in a railroad's risk analysis, then the railroad must notify FRA of the failure, malfunction, or defective condition that decreased or eliminated the safety functionality of the railroad's PTC system. 49 CFR 236.1023(e)(1). In addition, FRA's regulations require PTC vendors and suppliers to notify FRA of any safety-relevant failure, defective condition, or previously unidentified hazard discovered by the vendor or supplier and the identify of each affected and notified railroad. 49 CFR 236.1023(h)(2). Currently, each railroad or PTC vendor and supplier that must submit notifications of such a failure, malfunction, or defective condition does so by emailing the information to an FRA inbox (FRAPart2361023Notification@dot.gov). The information is sent in different formats by each railroad or PTC supplier and vendor because there is currently no standardized form.

Therefore, FRA is hereby proposing to standardize the reporting process required by 49 CFR 236.1023(e)(1), (h), and (f) by creating the Errors and Malfunctions Notification Form (Form FRA F 6180.179), which is one part of the existing information collection request under OMB Control No. 2130-0553. This proposed Form FRA F 6180.179 will be in an Excel format and will make it easier for the entities to notify FRA of each applicable failure, malfunction, or defective condition, and for FRA to synthesize and act on the reported failure. The Errors and Malfunctions Notification Form would not change the requirements that each railroad or PTC supplier and vendor currently must follow to notify FRA of each reportable failure, malfunction, or defective condition. *See, e.g.,* 49 CFR 236.1023(e), (h), and (f). The proposed Form FRA F 6180.179 would be

submitted to FRAPart2361023Notification@dot.gov within the 15-day deadline under 49 CFR 236.1023(f)(1).

With the current reporting process, FRA estimated that each notification would take 8 hours to prepare. With the new standardized Form, FRA estimates that, on average, each notification will reduce to 7.5 hours to prepare if the railroad or PTC supplier or vendor uses the FRA-provided Excel Form. This estimate is based on the fact that the proposed new Form FRA F 6180.179 offers drop-down menus that would allow railroads or PTC suppliers and vendors to select an answer from an established list, instead of creating each answer from scratch. The revised burden would also account for the review of the instructions in the FRA-provided Excel Form. Thus, FRA estimates that by creating this Form, the total annual burden hours will decrease by 14 hours.¹

Type of Request: Revision to a currently approved collection.

Affected Public: Businesses.

Form(s): FRA F 6180.152 (existing form) and FRA F 6180.179 (new form).

Respondent Universe: 742 railroads.

Frequency of Submission: On occasion.

Reporting Burden:

CFR Section	Respondent Universe	Total Annual Responses (A)	Average Time per Response (B)	Total Annual Burden Hours (C) = A * B	Total Annual Dollar Cost Equivalent (D) = C * wage rates ²
235.6(c) – Expedited application for approval of certain changes described in this section	42 railroads	10 expedited applications	5 hours	50 hours	\$3,850
– Copy of expedited application to labor union	42 railroads	10 copies	30 minutes	5 hours	\$385

¹ The current inventory exhibits a total burden of 51,993 hours and 4,567,826 responses, while the total burden in this notice is 51,979 hours and 4,567,826 responses. The decrease in burden is due to a program change.

² The dollar equivalent cost is derived from the 2019 STB Full Year Wage A&B data series using the appropriate employee group hourly wage rate that includes a 75-percent overhead charge. For Executives, Officials, and Staff Assistants, this cost amounts to \$120 per hour. For Professional/Administrative staff, this cost amounts to \$77 per hour.

– Railroad letter rescinding its request for expedited application of certain signal system changes	42 railroads	1 letter	6 hours	6 hours	\$462
– Revised application for certain signal system changes	42 railroads	1 application	5 hours	5 hours	\$385
– Copy of railroad revised application to labor union	42 railroads	1 copy	30 minutes	0.5 hours	\$39
236.1 – Railroad-maintained signal plans at all interlockings, automatic signal locations, and controlled points, and updates to ensure accuracy	700 railroads	25 plan changes	15 minutes	6.25 hours	\$481
236.15 – Designation of automatic block, traffic control, train stop, train control, cab signal, and PTC territory in timetable instructions	700 railroads	10 timetable instructions	30 minutes	5 hours	\$385
236.18 – Software management control plan – New railroads	2 railroads	2 plans	160 hours	320 hours	\$24,640
236.23(e) – The names, indications, and aspects of roadway and cab signals shall be defined in the carrier’s Operating Rule Book or Special Instructions. Modifications shall be filed with FRA within 30 days after such modifications become effective	700 railroads	2 modifications	1 hour	2 hours	\$154
236.587(d) – Certification and departure test results	742 railroads	4,562,500 train departures	5 seconds	6,336.81 hours	\$487,934
236.905(a) – Railroad Safety Program Plan (RSPP) – New railroads	2 railroads	2 RSPPs	40 hours	80 hours	\$6,160
236.913(a) – Filing and approval of a joint Product Safety Plan (PSP)	742 railroads	1 joint plan	2,000 hours	2,000 hours	\$240,000
(c)(1) – Informational filing/petition for special approval	742 railroads	0.5 filings/approval petitions	50 hours	25 hours	\$1,925
(c)(2) – Response to FRA’s request for further data after informational filing	742 railroads	0.25 data calls/documents	5 hours	1.25 hours	\$96
(d)(1)(ii) – Response to FRA’s request for further information within 15 days after receipt of the Notice of Product Development (NOPD)	742 railroads	0.25 data calls/documents	1 hour	0.25 hours	\$19
(d)(1)(iii) – Technical consultation by FRA with the railroad on the design and planned development of the product	742 railroads	0.25 technical consultations	5 hours	1.25 hours	\$96

(d)(1)(v) – Railroad petition to FRA for final approval of NOPD	742 railroads	0.25 petitions	1 hour	0.25 hours	\$19
(d)(2)(ii) – Response to FRA’s request for additional information associated with a petition for approval of PSP or PSP amendment	742 railroads	1 request	50 hours	50 hours	\$3,850
(e) – Comments to FRA on railroad informational filing or special approval petition	742 railroads	0.5 comments/letters	10 hours	5 hours	\$385
(h)(3)(i) – Railroad amendment to PSP	742 railroads	2 amendments	20 hours	40 hours	\$3,080
(j) – Railroad field testing/information filing document	742 railroads	1 field test document	100 hours	100 hours	\$7,700
236.917(a) – Railroad retention of records: results of tests and inspections specified in the PSP	13 railroads with PSP	13 PSP safety results	160 hours	2,080 hours	\$160,160
(b) – Railroad report that frequency of safety-relevant hazards exceeds threshold set forth in PSP	13 railroads	1 report	40 hours	40 hours	\$3,080
(b)(3) – Railroad final report to FRA on the results of the analysis and countermeasures taken to reduce the frequency of safety-relevant hazards	13 railroads	1 report	10 hours	10 hours	\$770
236.919(a) – Railroad Operations and Maintenance Manual (OMM)	13 railroads	1 OMM update	40 hours	40 hours	\$3,080
(b) – Plans for proper maintenance, repair, inspection, and testing of safety-critical products	13 railroads	1 plan update	40 hours	40 hours	\$3,080
(c) – Documented hardware, software, and firmware revisions in OMM	13 railroads	1 revision	40 hours	40 hours	\$3,080
236.921 and 236.923(a) – Railroad Training and Qualification Program	13 railroads	1 program	40 hours	40 hours	\$3,080
236.923(b) – Training records retained in a designated location and available to FRA upon request	13 railroads	350 records	10 minutes	58.33 hours	\$4,491
236.1001(b) – A railroad’s additional or more stringent rules than prescribed under 49 CFR part 236, subpart I	38 railroads	1 rule or instruction	40 hours	40 hours	\$4,800
236.1005(b)(4)(i)–(ii) – A railroad’s submission of estimated traffic projections for the next 5 years, to support a request, in a PTC Implementation Plan (PTCIP) or a request for amendment	The burden is accounted for under 49 CFR 236.1009(a) and 236.1021.				

(RFA), not to implement a PTC system based on reductions in rail traffic					
(b)(4)(iii) – A railroad’s request for a <i>de minimis</i> exception, in a PTCIP or an RFA, based on a minimal quantity of poisonous-by-inhalation materials traffic	7 Class I railroads	1 exception request	40 hours	40 hours	\$3,080
(b)(5) – A railroad’s request to remove a line from its PTCIP based on the sale of the line to another railroad and any related request for FRA review from the acquiring railroad	The burden is accounted for under 49 CFR 236.1009(a) and 236.1021.				
(g)(1)(i) – A railroad’s request to temporarily reroute trains not equipped with a PTC system onto PTC-equipped tracks and vice versa during certain emergencies	38 railroads	45 rerouting extension requests	8 hours	360 hours	\$27,720
(g)(1)(ii) – A railroad’s written or telephonic notice of the conditions necessitating emergency rerouting and other required information under 236.1005(i)	38 railroads	45 written or telephonic notices	2 hours	90 hours	\$6,930
(g)(2) – A railroad’s temporary rerouting request due to planned maintenance not exceeding 30 days	38 railroads	720 requests	8 hours	5,760 hours	\$443,520
(h)(1) – A response to any request for additional information from FRA, prior to commencing rerouting due to planned maintenance	38 railroads	10 requests	2 hours	20 hours	\$1,540
(h)(2) – A railroad’s request to temporarily reroute trains due to planned maintenance exceeding 30 days	38 railroads	160 requests	8 hours	1,280 hours	\$98,560
236.1006(b)(4)(iii)(B) – A progress report due by December 31, 2020, and by December 31, 2022, from any Class II or III railroad utilizing a temporary exception under this section	262 railroads	5 reports	16 hours	80 hours	\$6,160
(b)(5)(vii) – A railroad’s request to utilize different yard movement procedures, as part of a freight yard movements exception	The burden is accounted for under 49 CFR 236.1015 and 236.1021.				
236.1007(b)(1) – For any high-speed service over 90 miles per hour (mph), a railroad’s PTC Safety Plan (PTCSP) must additionally establish that the PTC system	The burden is accounted for under 49 CFR 236.1015 and 236.1021.				

was designed and will be operated to meet the fail-safe operation criteria in appendix C					
(c) – An HSR-125 document accompanying a host railroad’s PTCSP, for operations over 125 mph	38 railroads	1 HSR-125 document	3,200 hours	3,200 hours	\$384,000
(c)(1) – A railroad’s request for approval to use foreign service data, prior to submission of a PTCSP	38 railroads	0.33 requests	8,000 hours	2,640 hours	\$203,280
(d) – A railroad’s request in a PTCSP that FRA excuse compliance with one or more of this section’s requirements	38 railroads	1 request	1,000 hours	1,000 hours	\$120,000
236.1009(a)(2) – A PTCIP if a railroad becomes a host railroad of a main line requiring the implementation of a PTC system, including the information under 49 U.S.C. 20157(a)(2) and 49 CFR 236.1011	264 railroads	1 PTCIP	535 hours	535 hours	\$64,200
(a)(3) – Any new PTCIPs jointly filed by a host railroad and a tenant railroad	264 railroads	1 joint PTCIP	267 hours	267 hours	\$32,040
(b)(1) – A host railroad’s submission, individually or jointly with a tenant railroad or PTC system supplier, of an unmodified Type Approval	264 railroads	1 document	8 hours	8 hours	\$616
(b)(2) – A host railroad’s submission of a PTC Development Plan (PTCDP) with the information required under 49 CFR 236.1013, requesting a Type Approval for a PTC system that either does not have a Type Approval or has a Type Approval that requires one or more variances	264 railroads	1 PTCDP	2,000 hours	2,000 hours	\$154,000
(d) – A host railroad’s submission of a PTCSP	The burdens are accounted for under 49 CFR 236.1015.				
(e)(3) – Any request for full or partial confidentiality of a PTCIP, Notice of Product Intent (NPI), PTCDP, or PTCSP	38 railroads	10 confidentiality requests	8 hours	80 hours	\$6,160
(h) – Any responses or documents submitted in connection with FRA’s use of its authority to monitor, test, and inspect processes, procedures, facilities, documents, records, design	38 railroads	36 interviews and documents	4 hours	144 hours	\$11,088

and testing materials, artifacts, training materials and programs, and any other information used in the design, development, manufacture, test, implementation, and operation of the PTC system, including interviews with railroad personnel					
(j)(2)(iii) – Any additional information provided in response to FRA’s consultations or inquiries about a PTCDP or PTCSP	38 railroads	1 set of additional information	400 hours	400 hours	\$30,800
236.1011(a)–(b) – PTCIP content requirements	The burdens are accounted for under 49 CFR 236.1009(a) and (e) and 236.1021.				
(e) – Any public comment on PTCIPs, NPIs, PTCDPs, and PTCSPs	38 railroads	2 public comments	8 hours	16 hours	\$1,232
236.1013 – PTCDP and NPI content requirements	The burdens are accounted for under 49 CFR 236.1009(b), (c), and (e) and 236.1021.				
236.1015 – Any new host railroad’s PTCSP meeting all content requirements under 49 CFR 236.1015	264 railroads	1 PTCSP	8,000 hours	8,000 hours	\$616,000
(g) – A PTCSP for a PTC system replacing an existing certified PTC system	38 railroads	0.33 PTCSPs	3,200 hours	1,056 hours	\$81,312
(h) – A quantitative risk assessment, if FRA requires one to be submitted	38 railroads	0.33 assessments	800 hours	264 hours	\$20,328
236.1017(a) – An independent third-party assessment, if FRA requires one to be conducted and submitted	38 railroads	0.33 assessments	1,600 hours	528 hours	\$63,360
(b) – A railroad’s written request to confirm whether a specific entity qualifies as an independent third party	38 railroads	0.33 written requests	8 hours	2.64 hours	\$203
– Further information provided to FRA upon request	38 railroads	0.33 sets of additional information	20 hours	6.6 hours	\$508
(d) – A request not to provide certain documents otherwise required under Appendix F for an independent, third-party assessment	38 railroads	0.33 requests	20 hours	6.6 hours	\$508
(e) – A request for FRA to accept information certified by a foreign regulatory entity for purposes of 49 CFR 236.1017 and/or 236.1009(i)	38 railroads	0.33 requests	32 hours	10.56 hours	\$813
236.1019(b) – A request for a passenger terminal main line track exception (MTEA)	38 railroads	1 MTEA	160 hours	160 hours	\$12,320

(c)(1) – A request for a limited operations exception (based on restricted speed, temporal separation, or a risk mitigation plan)	38 railroads	1 request and/or plan	160 hours	160 hours	\$12,320
(c)(2) – A request for a limited operations exception for a non-Class I, freight railroad's track	10 railroads	1 request	160 hours	160 hours	\$12,320
(c)(3) – A request for a limited operations exception for a Class I railroad's track	7 railroads	1 request	160 hours	160 hours	\$12,320
(d) – A railroad's collision hazard analysis in support of an MTEA, if FRA requires one to be conducted and submitted	38 railroads	0.33 collision hazard analysis	50 hours	16.5 hours	\$1,271
(e) – Any temporal separation procedures utilized under the 49 CFR 236.1019(c)(1)(ii) exception	The burdens are accounted for under 49 CFR 236.1019(c)(1).				
236.1021(a)–(d) – Any RFA to a railroad's PTCIP or PTCDP	38 railroads	10 RFAs	160 hours	1,600 hours	\$123,200
(e) – Any public comments, if an RFA includes a request for approval of a discontinuance or material modification of a signal or train control system and a <i>Federal Register</i> notice is published	5 interested parties	10 RFA public comments	16 hours	160 hours	\$12,320
(l) – Any jointly filed RFA to a PTCDP or PTCSP	The burdens are accounted for under 49 CFR 236.1021(a)–(d) and (m).				
(m) – Any RFA to a railroad's PTCSP	38 railroads	15 RFAs	80 hours	1,200 hours	\$92,400
236.1023(a) – A railroad's PTC Product Vendor List, which must be continually updated	38 railroads	2 updated lists	8 hours	16 hours	\$1,232
(b)(1) – All contractual arrangements between a railroad and its hardware and software suppliers or vendors for certain immediate notifications	The burdens are accounted for under 49 CFR 236.1015 and 236.1021.				
(b)(2)–(3) – A vendor's or supplier's notification, upon receipt of a report of any safety-critical failure of its product, to any railroads using the product	10 vendors or suppliers	10 notifications	8 hours	80 hours	\$6,160
(c)(1)–(2) – A railroad's process and procedures for taking action upon being notified of a safety-critical failure or a safety-critical upgrade, patch, revision,	The burdens are accounted for under 49 CFR 236.1015 and 236.1021.				

repair, replacement, or modification, and a railroad's configuration/revision control measures, set forth in its PTCSP					
(d) – A railroad's submission, to the applicable vendor or supplier, of the railroad's procedures for action upon notification of a safety-critical failure, upgrade, patch, or revision to the PTC system and actions to be taken until it is adjusted, repaired, or replaced	38 railroads	2.5 notifications	16 hours	40 hours	\$3,080
(e) – A railroad's database of all safety-relevant hazards, which must be maintained after the PTC system is placed in service	38 railroads	38 database updates	16 hours	608 hours	\$46,816
(e)(1) – A railroad's notification to the vendor or supplier and FRA if the frequency of a safety-relevant hazard exceeds the threshold set forth in the PTCDP and PTCSP, and about the failure, malfunction, or defective condition that decreased or eliminated the safety functionality—Form FRA F 6180.179—Errors and Malfunctions Notification (Revised requirement)	38 railroads	8 notifications	7.5 hours	60 hours	\$4,620
(e)(2) – Continual updates about any and all subsequent failures	38 railroads	1 update	8 hours	8 hours	\$616
(f) – Any notifications that must be submitted to FRA under 49 CFR 236.1023	The burdens are accounted for under 49 CFR 236.1023(e), (g), and (h).				
(g) – A railroad's and vendor's or supplier's report, upon FRA request, about an investigation of an accident or service difficulty due to a manufacturing or design defect and their corrective actions	38 railroads	0.5 reports	40 hours	20 hours	\$1,540
(h) – A PTC system vendor's or supplier's reports of any safety-relevant failures, defective conditions, previously unidentified hazards, recommended mitigation actions, and any affected railroads—Form FRA F 6180.179—Errors and	10 vendors or suppliers	20 reports	7.5 hours	150 hours	\$11,550

Malfunctions Notification (Revised requirement)					
(k) – A report of a failure of a PTC system resulting in a more favorable aspect than intended or other condition hazardous to the movement of a train, including the reports required under part 233	The burdens are accounted for under 49 CFR 236.1023(e), (g), and (h) and 49 CFR part 233.				
236.1029(b)(4) – A report of an en route failure, other failure, or cut out to a designated railroad officer of the host railroad	150 host and tenant railroads	1,000 reports	30 minutes	500 hours	\$38,500
Form FRA F 6180.152 – 49 U.S.C. 20157(m) and 49 CFR 236.1029(h) – Quarterly Report of PTC System Performance (*Revised requirement and updated form*)	38 railroads	146 reports	32 hours	4,672 hours	\$359,744
236.1033 – Communications and security requirements	The burdens are accounted for under 49 CFR 236.1009 and 236.1015.				
236.1035(a)–(b) – A railroad’s request for authorization to field test an uncertified PTC system and any responses to FRA’s testing conditions	38 railroads	10 requests	40 hours	400 hours	\$30,800
236.1037(a)(1)–(2) – Records retention	The burdens are accounted for under 49 CFR 236.1009 and 236.1015.				
(a)(3)–(4) – Records retention	The burdens are accounted for under 49 CFR 236.1039 and 236.1043(b).				
(b) – Results of inspections and tests specified in a railroad’s PTCSP and PTCDP	38 railroads	800 records	1 hour	800 hours	\$61,600
(c) – A contractor’s records related to the testing, maintenance, or operation of a PTC system maintained at a designated office	20 contractors	1,600 records	10 minutes	266.67 hours	\$20,534
(d)(3) – A railroad’s final report of the results of the analysis and countermeasures taken to reduce the frequency of safety-related hazards below the threshold set forth in the PTCSP	38 railroads	8 final reports	160 hours	1,280 hours	\$98,560
236.1039(a)–(c), (e) – A railroad’s PTC OMM, which must be maintained and available to FRA upon request	38 railroads	2 OMM updates	10 hours	20 hours	\$1,540
(d) – A railroad’s identification of a PTC system’s safety-critical components, including spare equipment	38 railroads	1 identified new component	1 hour	1 hour	\$77

236.1041(a)–(b) and 236.1043(a) – A railroad’s PTC Training and Qualification Program (<i>i.e.</i> , a written plan)	38 railroads	2 programs	10 hours	20 hours	\$1,540
236.1043(b) – Training records retained in a designated location and available to FRA upon request	150 host and tenant railroads	150 PTC training record databases	1 hour	150 hours	\$11,550
Total	N/A	4,567,826 responses	N/A	51,979 hours	\$4,328,077

Total Estimated Annual Responses: 4,567,826.

Total Estimated Annual Burden: 51,979 hours.

Total Estimated Annual Burden Hour Dollar Cost Equivalent: \$4,328,077.

FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information that does not display a currently valid OMB control number.

Authority: 44 U.S.C. 3501–3520; 49 U.S.C. 20157.

Brett A. Jortland,

Deputy Chief Counsel.

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